

APR 13 2005 (WED) 11:26

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P. 001/007

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With Confirmation
 WITHOUT CONFIRMATION

RE: APPLICATION NO. 09/838,459
FILED: 04/19/2001

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By: Cindy L. Custer
Cindy L. Custer

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- 1) Transmittal Form
- 2) Fee Transmittal Form
- 3) Comments on Reasons for Allowance
- 4) PTOL-85, Part B - Fee(s) Transmittal
- 5) Credit Card Payment Form

Respectfully submitted,

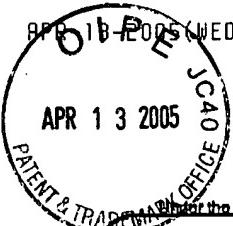
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Andrew D. Fortney, Ph.D.; Reg. No. 34,600

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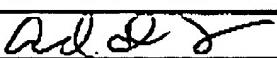
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Total Number of Pages in This Submission	7	Application Number 09/838,459
		Filing Date 04/19/2001
		First Named Inventor Jungwoo Lee
		Art Unit 2613
		Examiner Name RAO, ANAND SHASHIKANT
		Attorney Docket Number SAR 13700 (MTKI-04-366A)

ENCLOSURES (Check all that apply)

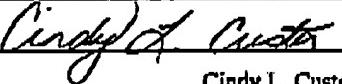
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> - Fax Cover Sheet - Comments on Reasons for Allowance - PTOL-85, Part B - Fee(s) Transmittal - Credit Card Payment Form
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Law Offices of Andrew D. Fortney, Ph.D., P.C.		
Signature			
Printed name	Andrew D. Fortney, Ph.D.		
Date	04-13-2005	Reg. No.	34,600

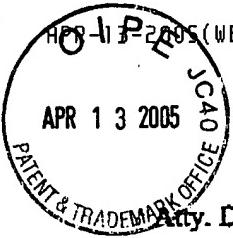
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APR 13 2005

Atty. Docket No. SAR 13700 (MTKL-04-366A)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Jungwoo LEE : GROUP ART UNIT: 2613

APPLICATION NO: 09/838,459 :

FILED: APRIL 19, 2001 : EXAMINER: RAO, Anand S.

FOR: APPARATUS AND METHOD FOR
ALLOCATING BITS
TEMPORALY BETWEEN
FRAMES IN A CODING SYSTEM

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By: Cindy L. Custer
Cindy L. Custer

COMMENTS ON REASONS FOR ALLOWANCE

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SIR:

Responsive to the Notice of Allowance dated January 14, 2005, Applicants respectfully wish to clarify certain statements made in the Examiner's reasons for allowance (see the section entitled "Allowable Subject Matter" on page 2 of the Notice of Allowability accompanying the Notice of Allowance dated January 14, 2005).

Atty. Docket No. SAR 13700 (MTKL-04-366A)
Serial No: 09/838,459

The Examiner is correct in that claims 1 and 11 recite a method which includes the steps of "... computing a difference between the average picture quality measure and the picture quality measure of said current frame for producing a resultant value; comparing the resultant value to a threshold value for producing a comparing result; and adjusting said target bit rate in response to said comparing result." Applicant's undersigned representative agrees that these steps are neither anticipated by nor obvious in view of the art of record. However, claim 12 is an apparatus claim that recites "a controller for adjusting a target bit rate... in response to comparing a difference of a picture quality measure of said current frame and an average picture quality measure of a plurality of immediately previous frames... to a threshold value," limitations similar to, but not identical with, the above-recited steps of claims 1 and 11. While Applicant's undersigned representative believes that the limitations of claim 12 recited herein are also neither anticipated by nor obvious in view of the art of record, the Examiner's reasons for allowance should be taken in the context of the actual claim language, rather than as an affirmative description or recitation of any change in the claim language, or as a statement or representation of claim meaning, interpretation and/or scope.

Respectfully submitted,



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